

OFFICE OF THE SECRETARY
U.S. DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-08-0133
)
Donald D. Baker Cattle Company, LLC)
and Donald D. Baker,)
)
Respondents) Decision Without Hearing
) By Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*), by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondents willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*). This decision is entered pursuant to the consent decision provision of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in paragraph I of the Complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The Complainant agrees to the entry of this decision.

Findings of Fact

1. Donald D. Baker Cattle Company, LLC (hereinafter "Respondent LLC"), is a limited liability company organized and existing under the laws of the Commonwealth of Virginia, with a mailing address of 2858 Old Baywood Road, Galax, Virginia 24333.

2. Respondent LLC, at all times material herein, was:

(a) Engaged in the business of a dealer buying and selling livestock in commerce for its own account; and

(b) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce and as a market agency buying livestock in commerce on a commission basis.

3. Donald D. Baker, (hereinafter "Individual Respondent"), at all times material herein was:

(a) The sole member of Respondent LLC;

(b) Holder of 100% of the membership interest of Respondent LLC; and

(c) Responsible for the day to day direction, management and control of Respondent LLC.

Conclusions

Respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

Respondents Donald D. Baker Cattle Company, LLC and Donald D. Baker, their agents and employees, directly or through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents Donald D. Baker Cattle Company, LLC and Donald D. Baker are assessed a joint and several civil penalty in the amount of Seventeen Thousand and Five Hundred Dollars (\$17,500.00).

The provisions of this order shall become effective on the sixth day after service of this order on the Respondents.

Copies of this decision shall be served upon the parties.


Donald D. Baker


Alan K. Caudell, Esq.
Attorney for Respondents


Charles L. Kendall
Attorney for Complainant

Issued this 7th day of May 2009


Administrative Law Judge